



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,802	12/03/2001	Merle T. Brumfield	7761-C1	1720

7590 05/17/2004

Alan F. Meckstroth
JACOX, MECKSTROTH & JENKINS
Suite 2
2310 Far Hills Building
Dayton, OH 45419-1575

EXAMINER

DUNWOODY, AARON M

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,802

Applicant(s)

BRUMFIELD ET AL.

Examiner

Aaron M Dunwoody

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 21-24,26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3679

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 3345091, Nicol in view of US patent 5797629, Beagle.

In regards to claim 21, Nicol discloses a flexible hydraulic line assembly adapted for use as a brake line assembly on a motor vehicle, comprising an elongated high pressure flexible hose (28) having a longitudinally uniform inner diameter, an elongated bendable metal tube (25) having a longitudinally uniform outer diameter greater than the inner diameter of the hose, the metal tube having a reduced integral tubular end portion with an outer diameter (25a) generally the same as the inner diameter of the hose and extending into an end portion of the hose, a drawn sheet metal tubular collar (5) having a substantially uniform wall thickness and including a tubular first end portion (6) crimped radially inwardly against the end portion of the hose and positively compressing the end portion of the hose against the reduced end portion of the tube, the drawn sheet metal tubular collar including an opposite tubular second end portion integral with the tubular first end portion, and the tubular second end portion of the collar having a crimped section crimped radially inwardly against a radially inwardly reduced neck

Art Unit: 3679

portion of the tube at a location spaced axially from the reduced tubular end portion of the tube. Nicol does not disclose an elongated multi-layer high pressure flexible hose. Beagle teaches an elongated multi-layer high pressure flexible hose (10) for reinforcement when handling high fluid pressures. As Beagle relates to a hose coupling and to the method of securing a hose to a coupling by crimping, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an elongated multi-layer high pressure flexible hose for reinforcement when handling high fluid pressures.

Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, a drawn sheet metal tubular collar limitation has not been given patentable weight.

In regards to claim 22, Nicol discloses the crimped section of the tubular second end portion of the collar and the radially reduced neck portion of the tube having peripherally spaced mating flat surfaces.

In regards to claim 23, Nicol in view of Beagle disclose the claimed invention except for the crimped section of the tubular second end portion of the collar and the radially reduced neck portion of the tube having a substantially square cross-sectional configuration. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the crimped section of the tubular second end portion of the collar and the radially reduced neck portion of the tube with a substantially square cross-sectional configuration, since a change in the shape of a prior art device is

Art Unit: 3679

a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

In regards to claim 24, Nicol discloses the tubular second end portion of the collar having a plurality of circumferentially spaced and inwardly projecting integral dimples spaced axially from the crimped section and engaging a shoulder on the metal tube at an inner end of the reduced tubular end portion of the metal tube.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 3690703, Philipps in view of US patent 5797629, Beagle.

In regards to claim 26, Philipps discloses a flexible hydraulic brake line assembly for use on a motor vehicle, comprising an elongated high pressure flexible brake hose (10) having a predetermined inside diameter, an elongated bendable metal tube (12) having a predetermined outer diameter greater than the inside diameter of the hose (when compressed), the metal tube having an inwardly forged and reduced integral end portion and a diameter generally the same as the inside diameter of the hose, the integral and reduced end portion of the metal tube extending into an end portion of the hose, a crimped annular metal collar (18) surrounding the end portion of the hose and the integral and reduced end portion of the tube and positively compressing the end portion of the hose against the end portion of the tube, and an annular spring retaining washer (16) within the collar and gripping the tube for retaining the collar on the tube. Philipps does not disclose an elongated multi-layer high pressure flexible hose. Beagle teaches an elongated multi-layer high pressure flexible hose (10) for reinforcement

Art Unit: 3679

when handling high fluid pressures. As Beagle relates to a hose coupling and to the method of securing a hose to a coupling by crimping, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an elongated multi-layer high pressure flexible hose for reinforcement when handling high fluid pressures.

Allowable Subject Matter

Claim 25 is allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

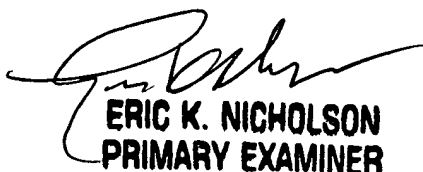
Art Unit: 3679

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dan P Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

.amd



ERIC K. NICHOLSON
PRIMARY EXAMINER